

The 8th November, 1985

No. 9/5/84-6Lab/9216 —In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of the Executive Engineer, (O. P. Division), H. S. E. B., Sirsa.

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 100 of 81

between

SHRI OM PARKASH, WORKMAN AND THE MANAGEMENT OF THE EXECUTIVE ENGINEER (O. P. DIVISION), HARYANA STATE ELECTRICITY BOARD, SIRSA.

None, for the workman.

Shri Jaspal Singh. A. R., for the management.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute between the workman Shri Om Parkash and the management of The Executive Engineer (O. P. Division) Haryana State Electricity Board, Sirsa, to this Court, for adjudication, —*vide* Haryana Government Gazette Notification No. ID/HSR/53-81/35475, dated the 27th July, 1981.

Whether the termination of services of Shri Om Parkash was justified and in order ? If not, to what relief is he entitled ?

2. The case of the workman is that he was employed with the respondent as a T/Mate since the year 1970 and his last station of posting was Ellenabad and all through his work and conduct has been satisfactory and that the management choose to terminate his services,—*vide* order No. 16030, dated nil passed in the year 1980 and that the said order of termination is illegal and unjustified and runs counter to the provisions of the Industrial Disputes Act, 1947.

3. In the reply filed by the respondent, preliminary objections taken are that the respondent has not been properly impleaded and that the reference is barred under section 82 of the Electricity Supply Act, 1948 and also bad for laches and delays. On merits, it is denied that the work and conduct of the petitioner was satisfactory. It is further alleged that the petitioner joined services of the respondent as a T/Mate on 17th June, 1974 and his services were terminated on 30th August, 1977 after a proper domestic probe was held into the acts, omissions and commissions committed by the workman.

4. On the pleadings of the parties, the following issues were settled for decision on 24th August, 1982 :—

1. Whether the reference is bad in law as per reasons given in preliminary objections ?

2. Whether the termination of services of Shri Om Parkash was justified and in order ? If not, to what relief is he entitled ?

5. After the respondent had closed its evidence and the case was posted for evidence of the workman, the workman absented without any intimation. The only inference possible is that the workman is not interested in prosecution of this reference. So, the same is dismissed for non-prosecution and answered accordingly.

There is no order as to cost.

Dated the 2nd September, 1985.

B. P. JINDAL,
Presiding Officer,
Labour Court, Rohtak.

Endst. No. 100-81/1630, dated the 11th October, 1985.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,
Presiding Officer,
Labour Court, Rohtak.